

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

CHANCE ANTHONY UPTMORE

Defendant(s)

Case No.

SA: 21-MJ-00081

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 18, 2021 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(3)

Offense Description

Possession of a firearm by an unlawful user of or addicted to any controlled substance

PENALTIES: Maximum 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 mandatory special assessment

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.CLARK. RONDA. MARIE.
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CLARK. RONDA. MARIE. 1265950457
Date: 2021.01.22 16:30:31 -06'00'*Complainant's signature*

Ronda Clark, FBI Special Agent

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: 1/23/2021City and state: San Antonio, Texas

2021.01.23

08:51:15

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*Judge's signature*

Henry J. Bemporad, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Ronda Clark, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such, and have been employed by the FBI since November of 2016. I am currently assigned to the Joint Terrorism Task Force (JTTF) in the FBI San Antonio Field Division and work cases involving domestic violent extremists. Prior to being assigned to the JTTF, I was assigned investigations targeting violent robberies, gangs and individuals involved in illegal activities as members of drug trafficking criminal enterprises. Through training, education, and experience with my current JTTF assignment, I have become familiar with the involvement of domestic extremist group members in violent activities and the methods of communication in order to plan and carry out attacks while avoiding detection by law enforcement.

2. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. I have also reviewed interviews conducted by law enforcement officers of the subject. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

3. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of 18 U.S.C § 922(g)(3) – Possession of a Firearm or

Ammunition by an Unlawful User of Controlled Substances was committed by CHANCE ANTHONY UPTMORE.

4. Because this affidavit is submitted for the limited purpose of securing authorization for Criminal Complaints and Arrest Warrants, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrants.

BACKGROUND ON CONCENTRATED THC

5. Tetrahydrocannabinol, also known as THC, can be distilled and concentrated to remove impurities making the THC levels higher than normal amounts of THC found in marijuana. Two common forms that concentrated THC can take is a wax like substance or a crumble like substance. The slang term for THC wax or the crumbled form is called Dab or Shatter. The crumble form of concentrated THC is typically ground with marijuana and placed in a blunt for smoking to get a strong dose of THC. A blunt is a cigar that has been hollowed out and filled with marijuana. The THC wax is melted with a bong using metallic heat which causes the wax to vaporize where the THC can be breathed in and cause an intense dose of THC. When THC concentrate in the crumble form is packaged for selling, it is typically placed in small jars, similar to a Carmex or lip balm jar in weights of 1-3.5 grams. THC wax, which has the appearance of honey, can be found on wax paper and is typically distributed and sold by cutting the wax into stamp size portions and wrapping those portions in wax paper.

PROBABLE CAUSE

6. On January 17, 2021, in the Western District of Texas, San Antonio Division, the Honorable Henry J. Bemporad, U.S. Magistrate Judge issued a search warrant for Uptmore's residence, 15411 Pebble Gate, San Antonio, TX 78232 (hereafter "the Premises"), Uptmore's

vehicle, and the person of Uptmore to locate and seize the instrumentalities, fruits, and evidence of crime, to wit: 18 U.S.C. 1752(a) Restricted Building or Grounds. This search warrant was requested pursuant to a JTTF investigation relating to the breach of the U.S. Capitol building which occurred on January 6, 2021.

7. On January 18, 2021, at approximately 12:00 p.m., your affiant and other FBI personnel executed the 1752(a)-search warrant at the Premises and encountered Uptmore outside the Premises, in the rear portion of the driveway, as he was returning to the Premises. TFO Hans Momberger and TFO David Snow informed Uptmore they had the search warrant described above in paragraph 6 but that Uptmore was not under arrest. TFO Momberger and TFO Snow then obtained Uptmore's cellular phone pursuant to the search warrant for collection by other FBI personnel. Uptmore advised there was a loaded handgun in the nightstand drawer in the front corner bedroom and that he and his father were the only residents of the Premises.

8. Uptmore's father, James Herman Uptmore Jr., also known as "Sonny" (hereafter Sonny) was called outside to the back-driveway area of the Premises via phone prior to securing the Premises. Sonny was also advised that FBI agents had a search warrant for the Premises and that he was not under arrest. Sonny stated he had been feeling sick so due to COVID-19 concerns, Uptmore and Sonny remained outside, in the rear driveway area during the search of the Premises. Having already informed Uptmore he was not under arrest, TFO Momberger and TFO Snow asked Uptmore if he would talk to them and he agreed.

9. On January 18, 2021, during the execution of the search warrant, TFO Momberger and TFO Snow conducted a voluntary, non-custodial interview of Uptmore which was captured on an audio and video recorder. Uptmore confirmed that he and his father, James Herman Uptmore Jr. are the only residents of the Premises. Uptmore stated that since his brothers moved out, he

utilizes all of the bedrooms in the Premises except the master bedroom occupied by his father. Uptmore makes the following statements regarding his drug use and ownership of the drugs recovered from the scene:

TFO Momberger: "Do we want to talk about what's in the room?"

TFO Snow: "Ya, man tell us about that"

Uptmore: "All of that is mine"

TFO Snow: "Do you sell a little to make some money?"

Uptmore: "No"

TFO Snow: "It's a lot"

Uptmore: "Ya, I know, I smoke a shit ton, like I really do"

TFO Snow: "What do you smoke?"

Uptmore: "Weed and Hash oil"

TFO Snow: "What about the shrooms?"

Uptmore: "Ya, the shrooms I chew for micro-dosing so I don't take enough to actually hallucinate. So I take enough where . . ."

TFO Momberger: "it balances out the other stuff"

Uptmore: "basically. It helps you get into a flow state and stuff like that." (he says some other things about MMA fighters)

Uptmore: "Micro-dosing is different, you don't feel anything but it changes the way your brain processes stuff."

TFO Snow: "Are you selling any of that?"

Uptmore: "nothing, nothing in there, I know there is a lot but its literally just to get it cheaper. I also like quality, different strains but no I don't sell any of it"

TFO Snow: "So there is no packaging?"

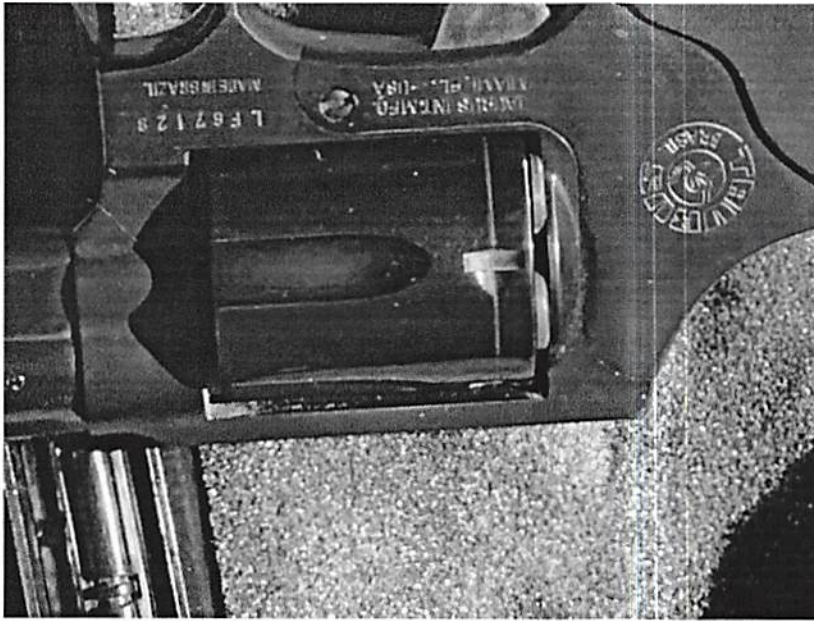
Uptmore: "There might . . ."

TFO Snow: “scales?”

Uptmore: “There is gonna be scales for sure just for weighing to make sure I’m not getting shorted. but no.”

10. During the execution of the 1752(a) search warrant, FBI San Antonio personnel located the following in a bedroom located in the front (Northwest) corner of the house: 5,929.6 grams of a green leafy substance presumed to be marijuana both in plain view on the desk and in the closet: two bags containing a total of 143.6 grams of presumed Psilocybin mushrooms; multiple bags marked as containing THC gummy candies, multiple jars marked as containing THC wax, THC wax in crumble form, and THC wax in wax paper totaling 1,362.9 grams; multiple scales; a loaded, 5 shot Taurus .38 Special revolver bearing serial number LF67128 (hereafter “the Revolver”) in the same bedroom. The Revolver was located in the drawer of the nightstand on the opposite side of the bed in an unlocked plastic case. The above weights are preliminary and include both original and evidentiary packaging.

11. The Revolver bears a stamp “Made in Brazil” underneath the serial number and separately on the gun barrel. An internet search of the make/model of the Revolver confirms that it is manufactured in Brazil. *See* Taurus 2014 Product Catalog, at 7, available at: <https://www.scribd.com/doc/195378999/Taurus-Product-Catalog-2014>. A picture of the stamp described by your affiant is included below. Thus, there is probable cause to believe that the Revolver was manufactured outside of the State of Texas and thus, traveled in interstate commerce.



12. There was a second non-custodial interview conducted by TFO Dave Snow, TFO Rudy Williams and FBI SA D. Lucas Harrell during the 1752(a) search warrant where Uptmore was read his Miranda rights. Uptmore stated he would continue to speak to FBI personnel without any attorney on any topic except for whether Uptmore was selling drugs. During this interview, Uptmore made similar statements to those in the initial interview regarding his drug use, statements that included, "I smoke a lot," "All of the drugs are mine" and "Like I told you earlier about micro-dosing." Uptmore described having a daily routine of using different drugs or forms of drugs during different times of day when speaking with SA Harrell.

13. On January 21, 2021, Uptmore and Sonny came to the FBI Office in San Antonio to pick up some personal property from the search warrant execution on January 18, 2021, and agreed to participate in voluntary, non-custodial follow up interviews. Both Sonny and Uptmore were advised they were not under arrest. Uptmore's interview was captured on an audio and video recorder. SA D. Lucas Harrell and TFO Hans Momberger conducted most of the interview, SA

Harrell and SA Steven F. Smith conducted the latter portion of the interview due to SA Smith's familiarity with the topic of that portion, cryptocurrency.

14. At the start of the interview, TFO Momberger reminded Uptmore of his prior Miranda rights warning, and refreshed the Miranda warnings by reading the Miranda warning again from a card issued by the Federal Law Enforcement Training center (FLETC). Uptmore said he understood and agreed to be interviewed regarding his personal drug use, events video recorded by Uptmore inside the U.S. Capitol during the January 6, 2021, breach and riot, and his cryptocurrency.

15. At the beginning of the interview, Uptmore was asked about his personal drug use and Uptmore volunteered to provide a urine sample to show the high levels of THC in his urine:

SA Harrell: "If this is all personal use, break down how often and how much you use because that can let us know that it's personal use"

Uptmore: "If y'all could, like, test my pee and see how much is in there, it's extremely high."

TFO Momberger: "Would you sign a consent form for that?"

Uptmore: "Yes."

16. During the interview Uptmore described his daily drug use: he uses micro doses of mushrooms to be productive, focus and counter depression; uses THC edibles to "knock out;" and "weed" "anytime." Uptmore smokes "hash rosin" also known as "dab" in the morning because it does not leave a strong taste in the mouth, but it is too expensive to use all the time. Uptmore is "mainly a blunt smoker" and smokes "5 to 10 blunts a day, sometimes more." In the evenings, Uptmore will either smoke a blunt or eat a THC edible to knock out. Later in the interview,

Uptmore estimates he spends approximately "\$1,000.00 per month" on drug use and describes himself as a "weedaholic."

17. Uptmore stated that he purchased "an eighth" of marijuana at a dispensary in Washington D.C. on January 6 and smoked it using a small bong he brought from home. Uptmore said he had researched Washington D.C. marijuana laws and learned that while Washington D.C.'s local decriminalization doesn't allow for users to directly purchase marijuana in the traditional buyer-seller sense, users routinely get around this restriction by buying another item, good or service, such as a T-shirt and then receive a free marijuana product, gifted by the vendor.

18. Later in the interview, while TFO Momberger was filling out the FBI Form FD-26 Consent to Search for collection of the urine sample volunteered by Uptmore, he asked if Uptmore would also consent to provide a hair sample but Uptmore declined:

Uptmore: "Rather do the urine, I have nothing to hide, cause I'm just trying to show y'all I have tons of THC in my system, I'm not bullshitting you"

SA Harrell: "I believe you, and that's why he's filling out this form. You said you smoke every day?"

Uptmore: "Yes"

SA Harrell: "Why would you not smoke in the day? You have any reason why you would not smoke in the day?"

Uptmore: "No, not really. Like I said when I was up in Washington D.C. I didn't really have as much of the urge, you know, because there's monuments and we were doing stuff but when I'm down here, I feel like, it's like, I guess I'm so comfortable in my surroundings, and so bored I'm smoking constantly, just about every day, yeah."

SA Harrell: "Ok, so is that really a reason to not smoke?"

Uptmore: "I don't think there has been a day I haven't gotten high all day in at least like, six months, maybe even a year."

SA Harrell: "You've got your routine?"

Uptmore: "Yeah."

SA Harrell: "And you're sticking with it."

Uptmore: "And I don't drink, and I don't do hard drugs, so it works out, in the end."

Later in the same interview, Uptmore then clarifies that he does drink but only socially and SA Harrell reviews Uptmore's answers before continuing:

SA Harrell: "Just to ask a dumb, clarifying question, you know weed's illegal, right?"

Uptmore: "Yeah, in some states."

SA Harrell: "In Texas, the State you live in."

19. Uptmore signed an FBI Form FD-26, Consent to Search, to "Provide urine sample for drug testing by FBI" and provided a urine sample. The sample was collected by FBI Evidence Response Team Member Brandon Kight, and SA Harrell.

CONCLUSION


Based on the facts contained within this affidavit, I believe there is probable cause that violation of 18 U.S.C §922(g)(3) – Possession of a Firearm or Ammunition by an Unlawful User of Controlled Substances committed by CHANCE ANTHONY UPTMORE.

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Ronda Clark
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 23rd day of January 2021.

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Honorable Henry J. Bemporad
United States Magistrate Judge